IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

RFA 69 of 1998 alongwith Cross Objections 245 of 1998; RFA 60 of 1998; RFA 67 of 1998 alongwith Cross Objections 170 of 1998 and RFA 71 of 1998 alongwith Cross Objections 173 of 1998.

Date of decision: 27.8.2007.

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1. RFA 69 of 1998

Chamera Hydro Electric Project v. Sh. Partap Singh and others.
Cross Objections 245 of 1998

Partap Singh and another v. National Hydro Electric Power Corporation, Chamera Hydro Electric Project and others.

2. RFA 60 of 1998.

Chamera Hydro Electric Project v. Smt. Rattani and others

3. RFA 67 of 1998

Chamera Hydro Electric Project v. Sh. Bhupinder Singh & others;
Cross Objections 170 of 1998

Bhupinder Singh v. National Hydro Electric Power Corporation, Chamera Hydro Electric Project and others.

4. RFA 71 of 1998

Chamera Hydro Electric Project v. Smt. Pano and others

Cross Objections 173 of 1998

Smt. Pano	**v.**	**National Hydro Electric Power Corporation, Chamera Hydro Electric Project and others.**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

Whether approved for reporting?[1] *No.*

For the appellant(s)	**S/Sh. K.D.Shreedhar and Rajneesh Maniktala, Advocates.**
For the State of H.P.	**Mr. M.S.Chandel, Advocate, with Mr. Virender Verma, Addl. AG.**
For private respondents	**Mr. Anand Sharma, Advocate.**

Dev Darshan Sud, J. (Oral).

These four appeals have been preferred by the Chamera Hydro Electric Project against the award passed by the Reference Court determining the just compensation payable to the claimants – respondents. All these appeals and cross objections are being disposed of by a common judgment as they involve common questions of law and facts. Learned Reference Court by its order dated 5.7.1995 consolidated Land

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[1] ***Whether reports of Local Papers may be allowed to see the judgment? Yes.***

References out of which present appeals arise. Order may be noticed:

> **"Case taken up for proper orders today. Application for consolidation moved by the petitioner(s). It be registered. Application is allowed as not opposed and tagged with the main petition.**
>
> **It is ordered that the following Land reference cases shall stand consolidated with this petition:**
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> 1. **LAC No. 52 of 1994 'Prabhi Vs. Chief Engineer'**
> 2. **LAC No. 45 of 1994 'Lal Devi v. State of HP'**
> 3. **LAC No. 44 of 1994 'Panno v. -do-**
> 4. **LAC No. 23 of 1994 'Bhupinder Singh v. -do-**
>
> **Henceforth entire evidence of parties shall be recorded in this petition and shall also be read in the remaining batch petitions aforesaid.**
>
> **Now to come up for evidence of the petitioner(s) on 13.9.1995. Evidence be produced. However, dasti summons on usual terms be obtained for service of official witnesses if any."**

Evidence common to all cases was led by the parties. On consideration of the entire evidence on record, the

reference Court granted enhancement in compensation to the claimants – respondents.

Learned counsel appearing for the appellants has assailed the award on a number of grounds. The respondents have also preferred Cross Objections in RFAs 69, 67 and 71 of 1998.

It is not disputed before me that the grounds raised both in the appeals and cross objections are common with those which had been raised in *RFA 72 of 1998, titled as Chamera HE Project, NHPC v. Kalyan Singh and others and the batch.* The land in all these cases was acquired for a common purpose, namely for being submerged in the reservoir built for the generation of Hydro Electric Project. RFA 72 of 1998 alongwith connected appeals was decided on 30.5.2007. The appeals were dismissed and the cross objections preferred were also dismissed. I do not see any reason to differ from the considered opinion of this Court in the judgment passed in the appeals as aforesaid. It may be noticed that the grounds impugning the award both in the appeals and the cross objections in RFA 72 of 1998 and in these appeals are identical. This Court considered in detail the facts and the law holding that the compensation which had

been awarded was just and equitable. These appeals and the cross objections are accordingly dismissed. There shall be no order as to costs.

August 27, 2007 (PC). (Dev Darshan Sud), J.